



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:03.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN
H.C.P. [MD] .No.472 of 2017

Noorjahan Begum : Petitioner

Vs.

1. The Superintendent of Police,
O/O. District Police Office,
Dindigul.

2. The Inspector of Police,
Kodaikanal Police Station,
Kodaikanal,
Dindigul District.

3.K.Kanagadass : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body or person of the detenu, namely, K.Ruby, D/O.Kanagadass, being a mentally ill-lady, aged about 36 years, before this Court and set her at liberty.

For Petitioner : Mr.K.Saburkhan

For Respondents 1&2 : Mr.T.Mohan
Additional Public Prosecutor

For Respondent 3 : Mr.S.Chellapandian

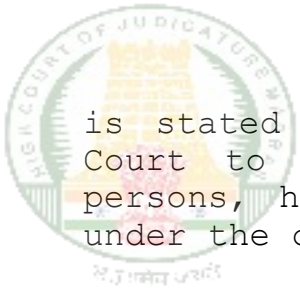
O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent.

2. The petitioner, who is stated to have been embraced Islam, is the sister of the detenu - K.Ruby and she has approached this Court stating that her sister, the detenu herein, is under the illegal custody of the third respondent, who is none other than her father. Two reasons have been stated in the petition, namely, the detenu suffers from mental disorder and the third respondent, the father of the detenu, has remarried.

3. An extract of the report of the Advocate Commissioner, who



is stated to have been appointed by the Principal Bench of this Court to oversee the disbursement of the compensation to such persons, has been produced, which shows that the detenu has been under the care of "Banyan" at Chennai for the last ten years.

4. Today, the detenu is brought before us. We have questioned her. She appears to be a normal person and she also admitted that she is under the care of "Banyan" for the last ten years. She is along with her father, the third respondent herein, at Kodaikanal. She is also aware that her father has remarried and out of the wedlock, he has a girl child. She also expressed that there is no discomfort caused to her either at the instance of her father or by his new spouse.

5. We have also advised her as to how she should act, if any one seeks for her signature either for withdrawal of money or transfer of properties or for any other purpose. She is able to understand well and she appears to be aware of her rights. She also admits that she is continuously taking treatment at Kodaikanal, but, unable to recollect in which hospital, she is taking treatment. Thus, we are satisfied that there is no case of illegal detention and she has not stated that she is with the third respondent under any compulsion. The petitioner has not made out any case for the relief sought for by her. Hence, the Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
O/O. District Police Office,
Dindigul.

2. The Inspector of Police,
Kodaikanal Police Station,
Kodaikanal,
Dindigul District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.SUBURKHAN, Advocate, SR No. 50011

+1 CC to M/s.S.CHELLAPANDIAN, Advocate, SR No. 19197

NB/DSK

PSM/JC/17.04.2017/2P/6C